

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below.



**/S/ RUSS KENDIG**

Russ Kendig  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re: )  
CHERYL JEAN KOPPE, ) CHAPTER 13  
Debtor. ) CASE NO. 05-66514  
 ) JUDGE RUSS KENDIG  
 )  
 ) MEMORANDUM OF OPINION  
 ) (NOT FOR PUBLICATION)  
 )

On January 22, 2010, debtor filed an objection to claim 5, filed by Ford Motor Credit. This objection is now before the court for decision.

This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1334 and the general order of reference entered in this district on July 16, 1984. This proceeding is a core proceeding under 28 U.S.C. § 157(b)(2)(A), (B), (E), (K), (L) and (O).

This opinion is not intended for publication or citation. The availability of this opinion, in electronic or printed form, is not the result of a direct submission by the Court.

On August 6, 2005, debtor traded in her 2001 Ford Escort to the Montrose Auto Group, and the dealer paid the amount owing on the car to Ford Motor Credit. Less than three months later, on October 25, 2005, the debtor filed an amended chapter 13 plan that required \$5,000 to be paid to Ford Motor Credit, even though the vehicle was paid off. The plan was confirmed on December 8, 2005. The debtor now seeks to recover the money paid to Ford Motor Credit for

distribution to her other creditors.

11 U.S.C. § 1327(a) provides that “[t]he provisions of a confirmed plan bind the debtor and each creditor, whether or not the claim of such creditor is provided for by the plan, and whether or not such creditor has objected to, has accepted, or has rejected the plan.” When the parties have received adequate notice of the plan, the order confirming the plan is a binding determination of rights and liabilities and its terms are not subject to collateral attack. In re Harvey, 213 F.3d 318, 321 (7th Cir. 2000).

The objection to Ford Motor Credit’s claim is a collateral attack on a confirmed plan, and the debtor cannot claim lack of notice because she filed the plan. Therefore, the debtor’s objection is denied.

An order will issue simultaneously with this opinion.

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